

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 16, 1998**

**DIVISION THREE**

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

Each of the following:

B113651 People v. Seay  
B109928 Russell v. Russell  
B118189 Mulcahy v. G.E. Capital-Rescom  
B116522 Kamal v. Brown, et al.  
B116518 People v. Jimenez  
B117465 People v. Johnson  
B113375 People v. Lloyd  
B116250 People v. Martin  
B108722/B112484 People v. Maguire  
B112801 People v. Bates  
B113862 People v. Morris  
B116005 People v. Rios

Argument waived, cause submitted.

B114232     Fischer  
              v.  
              L.A. Unified School District

Merits:

Argued by Howard Friedman for appellant and by Lawrence B. Trygstad for respondent. Cause submitted.

DIVISION THREE (Continued)

B111650     Ngo  
              v.  
              AAA Conditioned Air

Merits:

Argued by Victor B. Meyen for appellant. Argument waived by respondent. Cause submitted.

B113831     McCoy  
              v.  
              S.C.L.A.  
              (The People, r.p.i.)

Merits:

Argued by Sharon G. Wrubel for petitioner and by Michael J. Wise, deputy attorney general for real party in interest. Supplemental brief due by real party in interest on September 23, 1998; response due by petitioner on September 28, 1998. Submission deferred.

B104011     Barron  
              v.  
              Safeco Insurance Co. of America

Merits:

Argued by Michael G. Watters for appellant and by Raymond H. Goettsch for respondent. Cause submitted.

B114156     O'Carroll  
              v.  
              Radisson Huntley Hotel

Merits:

Argued by Edward R. O'Carroll appellant in propria persona and by Brian Krikorian for respondent. Cause submitted.

DIVISION THREE (Continued)

B114328 Theatre Agencies, Inc.

v.

Taggart, et al.

Merits:

Argued by Bernard A. Leckie for appellants and by Joseph Hart for respondent. Cause submitted.

B117056 Gunter Enterprises, Inc.

v.

County of San Bernardino

Merits:

Argued by David W. Cornwell for appellant and by Theodore L. Senet for respondent. Cause submitted.

B108161 Poe

v.

Brentwood Bank of Calif. et al.

Merits:

Argued by Richard Poe appellant in propria persona and by David Ozeran and Daniel G. Clement for respondents. Cause submitted.

B104018 California Commerce Bank

v.

The Prudential Insurance Co., et al.

Merits:

Argued by Paul S. Malingagio for appellant and by Terry S. Kaplan for respondent. Supplemental brief due by respondent on September 28, 1998; response due by appellant on October 20, 1998. Submission deferred.

The Court recessed at 1:35 P.M.

DIVISION THREE (Continued)

The Court reconvened at 2:15 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

B114599      People v. Thom  
B120411      In re Alan C. Thom on Habeas Corpus

Merits:

Argued by Karen Hunter Bird for appellant and by Susan C. Diamond, deputy attorney general for respondent. Cause submitted.

B114162      Estate of Victor G. Cathrae  
                 v.  
                 Cathrae

Merits:

Argued by Henry P. Starr for appellant. Argument waived by respondent. Cause submitted.

B113005      People  
                 v.  
                 Franklin

Merits:

Argued by Gary A. Lieberman, deputy attorney general for respondent. Argument waived by appellant. Cause submitted.

B114929      People  
                 v.  
                 Davila

Merits:

Argued by Angelyn Gates for appellant and by Alan D. Tate, deputy attorney general for respondent. Cause submitted.

## September 16, 1998-Continued

### DIVISION THREE (Continued)

|         |   |
|---------|---|
| B111517 | People v. Wozniak                       |
| B120215 | In re Chris R. Wozniak on Habeas Corpus |

Merits:

Argued by Elaine Profant-Turner for appellant and by Carl H. Henry, deputy attorney general for respondent. Cause submitted.

B116118      People  
v.  
Salter

Merits:

Argued by Thomas J. White for appellant and by Sunnie S. Lee, deputy attorney general for respondent. Cause submitted.

B113108 Bocchieri  
v.  
Poms, Smith, Lande & Rose, et al.

Merits:

Argued by Vincent Cox for appellants and by Frank D. Francone for respondent. Cause submitted.

The Court adjourned at 4:00 P.M.

## DIVISION FOUR

B118723      People                                  (Not for Publication)  
v.  
**Sandoval**

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

September 16, 1998-Continued

DIVISION FOUR (Continued)

[illegible]

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

[illegible]

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

[illegible]

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Cooper (F.M.), J. (Assigned)

DIVISION FOUR (Continued)

B104376 Palmer (Certified for Publication)

v.

Truck Insurance Exchange

The orders of dismissal are affirmed as to American and Continental. The judgment of dismissal is affirmed as to the Truck primary policy. The judgment as to the Truck umbrella policy is reversed with respect to coverage of Geoff Palmer as an individual. American and Continental are to have their costs on appeal from Palmer, Easton Investments II, and Westcreek. Geoff Palmer is to have his individual costs on appeal against Truck.

Epstein, Acting P.J.

We concur: Hastings, J.

Copper (F.M.), J. (Assigned)

DIVISION FIVE

B118195 In re Edward A., a Person (Not for Publication)

Coming Under the Juvenile Court Law

The People

v.

Edward A.

The order is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.

Armstrong, J.

DIVISION FIVE (Continued)

B113154      Jesus Cabral                              (Certified for Partial Publication)

v.

Los Angeles County Metropolitan Transportation Authority

The judgment is reversed. The parties are to bear their own costs on appeal.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                    Godoy Perez, J.

B109504      Rancho Mortgage Corp.

v.

Timothy Wells et al

Filed order denying petition for rehearing.

B114439      Peter Kudrave et al.

v.

The County of Los Angeles

Filed order denying petition for rehearing. Presiding Justice Paul Turner would grant.

DIVISION SIX

B117275      Harbottle                              (Not for Publication)

v.

Hoffman

The judgment is affirmed. Respondent is awarded his costs on appeal. His request for attorney's fees is unsupported, and denied.

Stone, P.J.

We concur:    Gilbert, J.  
                    Yegan, J.

September 16, 1998-Continued

## DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.  
Gilbert, J.

B109646 People (Not for Publication)  
v.  
Rother

The judgment is affirmed.

Coffee, J.

We concur: Stone, P.J.  
Yegan, J.

B117152      Schuneman                  (Not for Publication)  
v.  
Xircom, Inc.

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur:   Stone, P.J.  
                      Gilbert, J.

September 16, 1998-Continued

## DIVISION SIX (Continued)

[illegible]

The post-judgment order awarding attorney's fees is affirmed. Costs to respondent.

Yegan, J.

We concur:   Stone, P.J.  
                      Gilbert, J.

B118727      Redeemer Lutheran Church of      (Not for Publication)  
Thousand Oaks - Missouri Synod  
v.  
Mutual Insurance Agency, Inc.

The summary judgment is affirmed. Costs are awarded to respondents.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

B111558      Hooshmand      (Not for Publication)  
v.  
Fedco, Inc.

The judgment is affirmed. Costs to respondent.

Stone, P.J.

We concur: Yegan, J.  
Coffee, J.

September 16, 1998-Continued

DIVISION SIX (Continued)

B114279 Favorite (Certified for Publication)

V.  
County of Los Angeles

The order denying Favorite's petition for relief from her late claim is affirmed. Costs are awarded to County.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

DIVISION SEVEN

B096187 People  
v.  
Wells and Casamento

Filed order denying Casamento's petition for rehearing.

B119034 People (Not for Publication)

V.  
Octodd Alvin H.

The order of wardship is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

September 16, 1998-Continued

## DIVISION SEVEN (Continued)

[illegible]

The order under review is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

B116437 People (Not for Publication)  
v.  
Hao Ahn N.

The order sustaining the petition is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

September 16, 1998-Continued

## DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

B122506 Linda G. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(LA County Dept. of Children & Family Services, r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

DIVISION SEVEN (Continued)

B115939      Glick-Gaynes

v.

Mason

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)